

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC DIGOXIN AND
DOXYCYCLINE ANTITRUST
LITIGATION**

**MDL NO. 2724
16-MD-2724**

HON. CYNTHIA M. RUFE

**THIS DOCUMENT RELATES TO:

ALL ACTIONS**

**NOTICE OF DEFENDANT HERITAGE PHARMACEUTICALS INC.'S
MOTION TO DISMISS UNDER FRCP 12(B)(1), (2), AND (6)**

Pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Heritage Pharmaceuticals Inc. (“Heritage”) hereby moves this Court for an order dismissing all claims asserted against it by the Direct Purchaser Plaintiffs and End-Payer Plaintiffs (collectively, “Plaintiffs”) in the Direct-Purchaser Plaintiffs’ Consolidated Amended Class Action Complaint (ECF 125) and End-Payer Plaintiffs’ Corrected Consolidated Class Action Complaint (ECF 175). As explained in greater detail in the accompanying Memorandum of Law, there is no Article III “case or controversy” between Heritage and Plaintiffs; Plaintiffs have not alleged a sufficient basis for exercise of personal jurisdiction over Heritage on the claims asserted; and Plaintiffs have failed to state any valid claim against Heritage. Moreover, the accompanying Memorandum of Law incorporates by reference the arguments of Heritage’s Co-Defendants, who jointly move to dismiss under Rule 12(b)(6).

Dated: March 28, 2017

Respectfully submitted,

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